

ORIGINAL

AO 440 (Rev. 10/93) Summons in a Civil Action - SDNY WEB 4/99

# United States District Court

SOUTHERN

DISTRICT OF

NEW YORK

United States of America

## SUMMONS IN A CIVIL CASE

V.

CASE NUMBER:

Monticello New York Villas Limited Partnership,  
John Does Nos. 1-10 and Jane Does Nos. 1-10

07 CIV 9890

TO: (Name and address of defendant)

JUDGE CONNER

Monticello New York Villas Limited Partnership  
9 Genesee Park  
Geneva, New York 14456

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Michael J. Garcia  
United States Attorney for the Southern District of New York  
By: Carolina A. Fornos, Assistant United States Attorney  
86 Chambers Street, 3rd Floor  
New York, NY 10007

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

CLERK

*Manos Zimtero*

DATE

NOV - 8 2007

(BY) DEPUTY CLERK

## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

Date Purchased: November 8, 2007

Date Filed: \_\_\_\_\_

Court Date: \_\_\_\_\_

## COUNTY

ATTORNEY(S): Carolina A. Fornos AUSA : U.S. Attorney's Office - SDNY PH: 212-637-2740

ADDRESS: 86 Chambers Street New York N.Y. 10007 File No.:

UNITED STATES OF AMERICA,

vs.

Plaintiff(s)/Petitioner(s)

MONTICELLO NEW YORK VILLAS LIMITED PARTNERSHIP, et al.,

Defendant(s)/Respondent(s)

STATE OF NEW YORK, COUNTY OF ONTARIO SS.:GARY M DEVANEY, being duly sworn deposes and says:Deponent is not a party herein, is over 18 years of age. On 11/20/07 at 10:43AMat 9 GENESEE PARK GENEVA, NEW YORK 14456, deponent served the withinSummons In A Civil Case, Complaint, Notice of Pendency, Judge's Rules, and Electronic Case Filing Instructionswith Index Number 07 CIV 9890, and Date Purchased November 8, 2007 endorsed thereon,on: MONTICELLO NEW YORK VILLAS LIMITED PARTNERSHIP, Defendant therein named.#1 INDIVIDUAL ☐ By delivering a true copy of each to said recipient personally; deponent knew the person served to be the person described as said person therein.#2 CORPORATION ☒ By delivering to and leaving with ALAINE T. ESPENSCHIED, ATTY and that deponent knew the person so served to be Managing Agent of the corporation, and authorized to accept service on behalf of the corporation.

Service was made in the following manner after your deponent was unable, with due diligence, to serve the witness/defendant in person, and an attempt to locate the defendant's place of employment.

#3 SUITABLE AGE PERSON ☐ By delivering a true copy of each to \_\_\_\_\_ a person of suitable age and discretion. Said premises is recipient's [ ] actual place of business [ ] dwelling house (usual place of abode) within the state.#4 AFFIXING TO DOOR ☐ By affixing a true copy of each to the door of said premises, which is recipient's: [ ] actual place of business [ ] dwelling house (place of abode) within the state.#5 MAIL COPY ☐ On \_\_\_\_\_, deponent completed service under the last two sections by depositing a copy of the \_\_\_\_\_ to the above address in a 1st Class postpaid properly addressed envelope marked "Personal and Confidential" in an official depository under the exclusive care and custody of the United States Post Office in the State of \_\_\_\_\_ Certified Mail No. \_\_\_\_\_Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, having called thereat on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_#6 NON-SRV ☐ After due search, careful inquiry and diligent attempts, I have been unable to effect process upon the person/entity being served because of the following: [ ] Unknown at Address [ ] Evading [ ] Moved left no forwarding [ ] Address does not exist [ ] Other: \_\_\_\_\_#7 DESCRIPTION ☒ A description of the Defendant, or other person served, or spoken to on behalf of the Defendant is as follows:  
Sex FEMALE Color of skin WHITE Color of hair GRAY Age 55-70 Height 5'4-5'8"  
es: GLASSES

ing expenses were paid (tendered) to the recipient.

e recipient was presently in military service of the United States Government or of the State of informed that recipient was not. Recipient wore ordinary civilian clothes and no military uniform.

Alaine T. Espenscheid

Attorney at Law

(315) 781-6311  
FAX: (315) 781-54769 Genesee Park  
Geneva, New York 14456WINIFRED C. SCOTT  
Notary Public, State of New York  
Ontario County, No. 4614971  
Commission Expires Nov. 30, 20092007 X GARY M DEVANEY  
Please Print Name Below Signature  
GARY M DEVANEY

Invoice•Work Order # 0756056